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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,482	01/27/2004	Tsuneaki Furukawa	SE-US045005	6276
22919	7590	07/05/2006		
GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
			EXAMINER KAYES, SEAN PHILLIP	
			ART UNIT 2841	PAPER NUMBER

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,482	Applicant(s) FURUKAWA ET AL.	
	Examiner Sean Kayes	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3-10 and 12-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

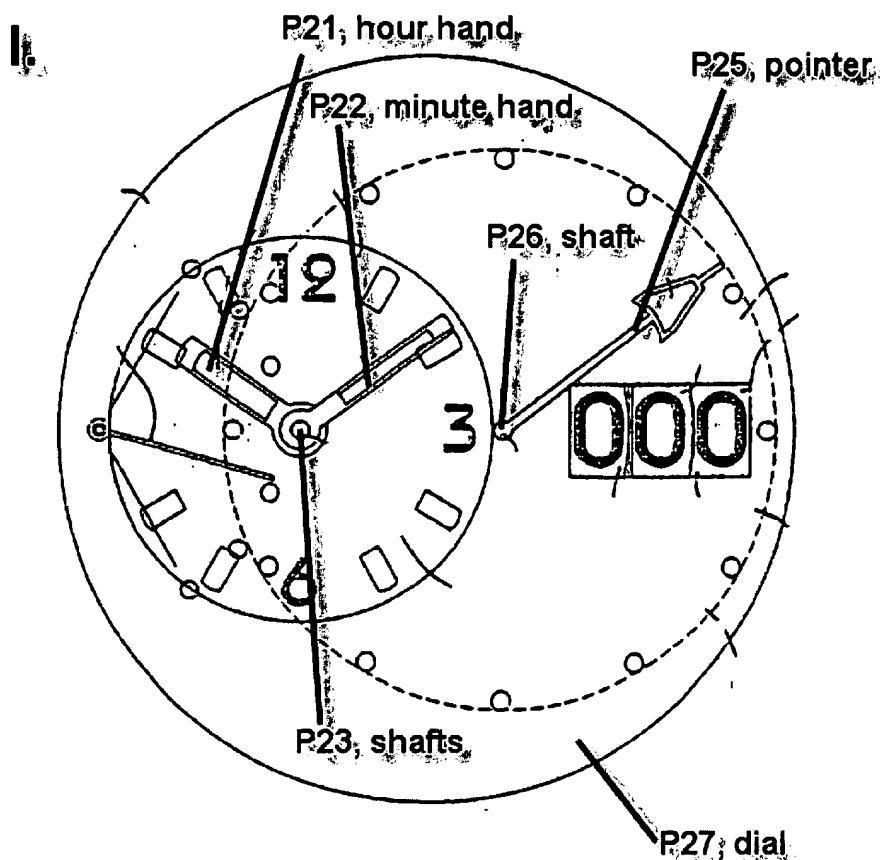
2. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Seyr (US 20040170088.)

3. With respect to claim 1 Seyr discloses a timepiece comprising: a dial (P27, picture I. And figure 2) having a dial cover and a time display section on an inner peripheral side thereof; an hour hand (P21 picture I.) being mounted on the time display section and having an hour hand rotating shaft disposed at a position different from the center position of the time display section and concentric with the hour hand rotating shaft; a minute hand (P22) being mounted on the time display section and having a minute hand rotating shaft disposed at a position different from the center position of the time display section; a pointer (P25) being mounted at a position eccentric from the

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center of the time display section and different from the hour hand rotating shaft and minute hand rotating shaft on the time display section and having a pointer rotating shaft, a dimension A from the pointer rotating shaft to a tip of the pointer being greater than a dimension B from the minute hand rotating shaft to the tip of the minute hand, and the pointer rotating shaft being disposed at a position away from the hour hand rotating shaft by a distance less than the dimension A and greater than the dimension B; and a movement being configured to drive the hour hand, the minute, and the pointer (lines 1-4 of paragraph 20 on page 2 indicate that the device is a timepiece.

Subsequently the indicator hands P21, P22, and P25 must have a movement in order to indicate time.)



4. With respect to claim 2 Seyr discloses the timepiece according to claim 1, wherein the pointer rotating shaft (P26) is disposed on the opposite side of the center position of the time display section from the hour hand and minute hand rotating shafts (P23.)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seyr (20040170088) in view of Kubota (5724317) in further view of Wellen (US 20050135198.)

7. With respect to claim 18 Seyr discloses the timepiece according to claim 1.

Seyr does not explicitly disclose wherein the movement has a first layer near the dial and a second layer overlapping the first layer and separated from the dial the second layer has an electric power generating device and a secondary power source to store electric power generated by the electric power generating device, and the first layer has an electric motor driven by the electric power and a gear train to transmit the rotation

Kubota teaches a watch wherein the movement has a first layer near the dial and a second layer overlapping the first layer and separated from the dial (see figure 2), the first layer has an electric motor (405 fig 16) driven by the electric power and a gear train (406 figure 16) to transmit the rotation of the electric motor (405) to the pointer.

Applicant discloses that electric power generation means are well known in the art (Page 3 paragraph 1 of applicant's specification.)

The use of batteries as a power source and storage means is notoriously well known in the art. This is made evident by line 4 paragraph 25 on page 2 of Wellen.

At the time of the invention it would have been obvious to one skilled in the art construct Seyr's watch such that it has two layers one close to the dial and the other

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removed from the dial by at least the width of the first layer. It would similarly have been obvious to include in the second layer an electric power generating device and a secondary power source to store electric power. At the time of the invention it would have been obvious to one skilled in the art to provide the first layer with an electric motor and gear train to provide the requisite movement and drive force to the pointer hands.

The suggestion or motivation for doing so would be to provide Seyr with a common and well known internal structure in order to perform the movements associated with the pointer hands.

8. With respect to claim 19 Seyr, Kubota and Wellen disclose the timepiece according to claim 18.

Seyr does not explicitly disclose a back cover, wherein the movement is disposed between the dial and the back cover at a position wherein the first layer is near the dial and the second layer is near the back cover.

Kubota discloses a back cover.

At the time of the invention it would have been obvious to one skilled in the art provide Seyr's watch with a back cover.

The suggestion or motivation for doing so would be to provide a cover that would protect the internal workings of the watch.

9. With respect to claim 20 Seyr discloses the timepiece according to claim 1.

Seyr des not explicitly discloses a gear that has a heart-cam and is designed to hold the pointer, a gear train to transmit the driving force from the movement to the gear, a return-to-zero hammer capable of moving between a return-to-zero position in contact with the heart-cam and a position away from the heart-cam, a first external operating member, an operating lever that moves the return-to-zero hammer to a position away from the heart-cam in conjunction with the operation of the first external operating member when the return-to-zero hammer is in contact with the hear-cam, and that is positioned at a set position except during the operation of the first external operating member, a second external operating member, and a return-to-zero transmission hammer to control the return-to-zero hammer at a position in which pressure is applied to the heart-cam in conjunction with the operation of the second external operating member.

Capt discloses a gear (15 figure 1) that has a heart-cam (17 figure 1) and is designed to hold the pointer, a gear train (1 and 12 figure 1) to transmit the driving force from the movement to the gear, a return-to-zero hammer (8 figure 1) capable of moving between a return-to-zero position in contact with the heart-cam (17) and a position away from the heart-cam, a first external operating member (34), an operating lever (10 figure 1) that moves the return-to-zero hammer to a position away from the heart-cam in conjunction with the operation of the first external operating member when the return-to-zero hammer (15) is in contact with the heart-cam (17), and that is positioned at a set position except during the operation of the first external operating member, a second external operating member (35), and a return-to-zero transmission hammer (31) to

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control the return-to-zero hammer at a position in which pressure is applied to the heart-cam in conjunction with the operation of the second external operating member.

At the time of the invention it would have been obvious to one skilled in the art to provide Seyr's chronograph a gear connected to the pointer, a gear train to transmit driving force, a return-to-zero hammer, heart shaped cam, and external operating member, and lever as taught by Capt.

The suggestion or motivation would be to provide Seyr's invention with internal workings that allow the pointer to be reset to a starting position, thus allowing for easier measurement of time.

Allowable Subject Matter

10. Claims 3-10 and 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 11 allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest the claimed "pointer rotating shaft in a 12:00 direction" and "the hour hand in a 6:00 direction" in combination with the remaining claim elements as set forth in claims 3-4. While there is prior art that discloses a pointer in the 12:00 direction and an hour hand in the 6:00 direction. No prior art disclosed the aforementioned limitations in combination with the limitations of dimensions A and B as set forth in claim 1.

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13. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest the claimed "seconds hand rotating shaft is disposed at a position away from the pointer rotating shaft by a distance greater than the dimension C and less than the dimension A" in combination with the remaining claim elements as set forth in claims 5-9.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest the claimed "a dimension D from the second pointer rotating shaft to the tip of the second pointer is less than the dimension A, and the second pointer rotating shaft is disposed at a position away from the pointer rotating shaft by a distance less than the dimension A." in combination with the remaining claim elements as set forth in claim 10 and 12-17.

15. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest the claimed "a dimension D from the second pointer rotating shaft to a tip of the second pointer being shorter than the dimension A, and the second pointer rotating shaft being disposed at a position away from the pointer rotating shaft by a distance less than the dimension D" in combination with the remaining claim elements as set forth in claim 11.

Response to Arguments

16. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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17. For applicant's benefit the argument with respect to claim 11 is addressed as follows. Applicant asserts that the second pointer is configured to be capable of rotating only within a specific angular range. Applicant further asserts that the reference used in the rejection has an indefinite range, 0-360 and beyond to degrees 720, 1440, and so on.

This is not persuasive as the range 0-360 is a specific angular range. The degrees of 720, 1440, and indeed any provided angle fall within the specific angular range of 0-360. The provided examples of angles at 720 and 1440 degrees are equivalent to an angle of 0 degrees.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Schlenker, US 3077729, teaches a stop watch with a pointer that is not located in the center of the dial. This reference lacks a second pointer.

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20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
6/19/2006


RAYMOND NUNEZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800